

Filed by:

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:	)	
	)	
PAUL LEWIS REIS, JR. and	)	BK. NO. 09-70166-HDH-13
MARITHEA EVELYN REIS	)	CHAPTER 13 PROCEEDING
	)	
Debtors.	)	

MOTION FOR RELIEF FROM ORDER OF DISMISSAL

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME the Debtors in the above styled and numbered proceeding who respectfully requests this Court to set aside its Order of Dismissal with Prejudice entered in the above styled and numbered proceeding on January 8, 2010 and for such would show unto this Honorable Court the following:

1. Debtors, Paul Lewis Reis, Jr. and Marithea Evelyn Reis have had their case dismissed on two separate occasions due to the failures of their prior counsel. Such counsel failed to communicate with them and failed to advise them of their rights so as to preserve their Chapter

13 filing and avoid dismissal with prejudice. The Debtors are under wage withholding and their payments were made by Mr. Reis' current employer, including a payment made on January 19, 2010. Mr. Reis lost his prior job and was not informed by his counsel that the wage withholding order for that employer had ended and accordingly only one-half a payment was made during October, 2009, no regular payments were made during November or December, 2009. However, during this entire period the Debtors had continued to make payments due under an Interlocutory Order for November and December, 2009. Debtors have made the Interlocutory Order payment for January, 2010, and have transmitted, personally, part or all of the regular payments not taken from wages during November and December 2009, prior to any hearing set upon this motion.

2. The Debtors respectfully requests that this Court approve their decision to remove Monty White & Associates as counsel of record in this proceeding. Mr. White refused their request to file a motion for reinstatement, did not return their phone calls prior to dismissal, did not inform them that the wage withholding order would need to be withdrawn because of his termination of employment and they would need to make payments directly in order to avoid the dismissal. During the last phone conversation with Mr. White's staff Mrs. Reis was informed that Mr. White no longer represented them and that they should not call his office in the future. They request that all future payments of fees due under this plan be paid instead to their selected counsel, Ron L. Yandell upon reinstatement of this proceeding.

3. The Debtors will comply with all terms of their modified Chapter 13 Plan and the Interlocutory Order. They respectfully request that the Court set aside its Order of Dismissal with Prejudice, to reinstate the case, and permit the Debtors to eventually complete their Chapter 13 proceeding and obtain an order of discharge with respect to these proceedings.

WHEREFORE, PREMISES CONSIDERED, the Debtors pray that this Court set aside its Order of Dismissal and reinstate their case upon the docket of this Court, including the Interlocutory Order previously entered with which order the Debtors agree to comply and for such other and further relief to which they may show themselves to be entitled.

Respectfully submitted,

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/s/ Paul Lewis Reis  
PAUL LEWIS REIS

/s/ Marithea Evelyn Reis  
MARITHEA EVELYN REIS

By: /s/ Ron L. Yandell  
Ron L. Yandell  
State Bar No. 22123200  
Attorney for Debtors

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Relief from Order of Dismissal with Prejudice has been served by either electronic filing and/or mailed by placing the same in the United States Mail, postage prepaid, to Mr. Walter O'Cheskey, Chapter 13 Trustee, 6308 Iola Avenue, Lubbock, Texas 79424, the United States Trustee's Office, Northern District of Texas, 1100 Commerce Street, Room 976, Dallas, Texas 75242 and all other parties in interest on this the 21st day of January 2010.

/s/ Ron L. Yandell  
Ron L. Yandell